

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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FREDERICK DONOVAN and JOHNNY BANKS, :

Plaintiffs, :

-against- :

NEW YORK CITY, DETECTIVE BONKINA, :
DETECTIVE AUTERA, and UNIDENTIFIED :
POLICE OFFICERS :

Defendants. :

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ALVIN K. HELLERSTEIN, U.S.D.J.:

**ORDER REGULATING
DISCOVERY**

08 Civ. 5664 (AKH)

Pursuant to my Individual Rule 2E, the parties submitted a joint letter dated August 7, 2009 asking for rulings on the following questions. The rulings follow.


1. Continuing the deposition of Plaintiffs: The depositions shall be completed by September 4, 2009, subject to the following conditions:
 - a. Defendants shall propose two dates. The depositions shall be taken on the date chosen by Plaintiffs among those choices.
 - b. Each Plaintiff's deposition shall be taken, and concluded, in half the designated date (a single day).
 - c. Objections shall be limited to the single word, "objection." No explanation shall be given, unless requested by the counsel conducting the questioning.
 - d. Questioning shall not repeat that which was previously asked and answered, except to ask for additional amplification, if any.
 - e. Both parties, promptly, shall produce clear and legible copies of any documents previously withheld, except for documents fully and properly described on privilege logs heretofore produced. All documents shall be produced in clear and legible form.
2. Concerning Transcripts of Depositions Previously Taken: Transcripts of deposition sessions conducted prior to this Order shall be furnished immediately, and signed and returned by the next business day. Failures will risk orders of preclusion.

3. Concerning the Deposition of Banks: Defendants promptly shall produce clear and legible copies of documents attributed to Banks.
4. Witnesses: Witnesses Jalan Paige and Frank Iovene may not be examined. Their names were disclosed in ample time to be noticed for depositions. Witness Julio Lopez may be examined by September 4, 2009 on a mutually convenient date.

The parties shall appear for a status conference on September 11, 2009 at 10:00 a.m., not on August 21, 2009 at 9:30 a.m. as previously scheduled.

SO ORDERED.

Dated: New York, New York
August 18, 2009



ALVIN K. HELLERSTEIN
United States District Judge